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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/817,133	03/27/2001	Takashi Kojima	P 279241 U3-0060-YK	7087

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EXAMINER

HARRISON, MONICA D

ART UNIT

PAPER NUMBER

2855

DATE MAILED: 01/17/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/817,133	KOJIMA, TAKASHI	
Examiner	Art Unit		
Monica D. Harrison	2855		

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on \_\_\_\_ .

2a)  This action is **FINAL**.                    2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4)  Claim(s) 1-9 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1-9 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on 27 March 2001 is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)  The proposed drawing correction filed on \_\_\_\_\_ is: a)  approved b)  disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)  The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

13)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)  All b)  Some \* c)  None of:

1.  Certified copies of the priority documents have been received.
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14)  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a)  The translation of the foreign language provisional application has been received.

15)  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1)  Notice of References Cited (PTO-892) 4)  Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_

2)  Notice of Draftsperson's Patent Drawing Review (PTO-948) 5)  Notice of Informal Patent Application (PTO-152)

3)  Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_ 6)  Other: \_\_\_\_\_

## **DETAILED ACTION**

The amendment filed on 10/25/02 has been received and entered.

### ***Drawings***

The drawing objections have been overcome.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

- (e) the invention was described in-
  - (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or
  - (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

1. Claims 1-7 are rejected under 35 U.S.C. 102(e) as being anticipated by Watanabe et al. Regarding claim 1, Watanabe et al discloses a gas sensor (Figure 1, reference 1), a hollow cylindrical housing (Figure 1, reference 40), sensor element (Figure 1, reference 10), outer cylindrical cover (Figure 8, reference 21), inner cylindrical cover (Figure 8, reference 22), open end portion (Figure 8, reference 223), a body portion (Figure 8, reference 220), and a shoulder (Figure 8, reference 213).

2. Regarding claim 2, Watanabe et al discloses the open end portion (Figure 1, reference 210), side end wall (Figure 14, reference 440), and shoulder (Figure 8, references 213 and 223).

3. Regarding claim 3, Watanabe et al discloses a housing with a large diameter portion (Figure 8, reference 220), end side wall (Figure 14, reference 300), step formed (Figure 4, reference 450).

4. Regarding claim 4, Watanabe et al discloses open end portion of the outer cylindrical cover having a side end wall (column 6, lines 1-8) and the shoulder formed between the side end wall and the body portion (column 6, lines 1-14), the open end portion of the inner cylindrical cover having an end wall bent outward to define a flange (column 7, lines 27-38) which is placed in contact with a surface of the open end of said housing and which engages at an end ... cover assembly on said housing (column 7, lines 42-59).

5. Regarding claim 5, Watanabe et al discloses the open end portion of each outer and inner cylindrical covers having a side end wall (Figure 17, references 115 and 116) and a shoulder (Figure 17, 213 and 223) formed between the side end wall and the body portion, the side end wall of the inner cylindrical cover abutting at an end thereof on the open end of said housing, the shoulder of the inner cylindrical cover placed in contact with the shoulder of the outer cylindrical cover to secure a given lap of the side end wall of the outer cylindrical cover the end side wall of said housing for installation of said cover assembly on said housing (Figures 15-17).

6. Regarding claim 6, Watanabe et al discloses the shoulder of the open end portion of the one of the inner and outer cylindrical covers is placed in contact the open end portion of the other cylindrical cover on a plane extending substantially perpendicular to a longitudinal center line of said cover assembly to secure areas of the outer and inner cylindrical covers installed on the end side wall of said housing (Figures 15 and 16).

7. Regarding claim 7, Watanabe et al discloses the inner cylindrical cover is disposed within the outer cylindrical cover coaxially with each other, the shoulder of the open end portion of the one of the inner and outer cylindrical covers is placed in annular line contact with the open end portion of the other cylindrical cover (column 9, lines 50-67; column 10, lines 1-10).

***Allowable Subject Matter***

8. Claim 8 is allowed.

9. Claims 10-16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

10. Applicant's arguments with respect to claims 1-7 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Monica D. Harrison whose telephone number is 703-305-4758. The examiner can normally be reached on M-F 8:00am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hezron Williams can be reached on 703-305-4705. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-7725 for regular communications and 703-305-3839 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1782.

Monica D. Harrison  
AU 2855

mdh  
January 10, 2003

*Regan S. Wells*  
HEZRON WILLIAMS  
SUPERVISORY PATENT EXAMINER  
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